



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ANGEL GARCIA,

Movant/Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.
-----x

08 Civ. 3900 (HB) (DFE)

03 Crim. 1098 (HB)

MEMORANDUM AND ORDER

This is not an ECF case

DOUGLAS F. EATON, United States Magistrate Judge.

On July 2, 2008, Judge Baer referred this § 2255 proceeding to me solely for the 33-day period ending August 4, 2008, and specifically to rule on two documents: (a) the Government's June 13, 2008 request for a 90-day adjournment of its time to file a response to Mr. Garcia's § 2255 petition, and (b) Mr. Garcia's June 24, 2008 *pro se* motion, which asks for "judgment on the pleadings" (essentially a default judgment) on the ground that the Government did not file a response on the merits by June 16, 2008.

The Assistant United States Attorney who handled the criminal case has left the office, and the newly assigned Assistant United States Attorney is working to obtain and review the criminal file. Accordingly, (a) I grant the Government an extension of time to September 16, 2008 to file its response to Mr. Garcia's § 2255 petition, and (b) I deny Mr. Garcia's June 24, 2008 motion for "judgment on the pleadings."

After August 4, 2008, the parties must address all correspondence to Judge Baer, and must no longer include my initials after the docket number.

A handwritten signature in cursive script that reads "Douglas F. Eaton".

DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

USDC SDNY
DATE SCANNED 7/8/08

Dated: New York, New York
July 8, 2008

Copies of this Memorandum and Order are being sent by mail to:

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Hon. Harold Baer, Jr.